

RESOLUTION NO. 20220609-076

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions including but not limited to the deposit of funds in the amount awarded by the Court appointed Special Commissioners.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Gerald Dean Powell and Bettina M. Powell

Project: Oak Hill Parkway Water Relocation Project

Public Use: Accommodating roadway improvements, relocation of wastewater infrastructure.

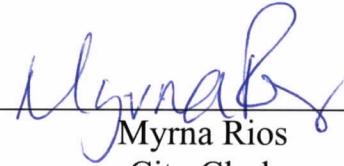
Location: 8504 W. US 290, Austin, Texas 78736.

The general route of the project is SH 71 at Silvermine Drive to US 290 at Circle Drive, beginning at William Cannon Drive, in Travis County, Texas.

Property: Described in the attached and incorporated "Exhibit A."

ADOPTED: June 09, 2022

ATTEST:


Myrna Rios
City Clerk

Gerald Dean & Bettina M. Powell
to
The City of Austin
(Water Line Easement)

LEGAL DESCRIPTION FOR PARCEL 5221.03 WLE

DESCRIPTION OF A 0.058 ACRE (2,543 SQ. FT.) EASEMENT LOCATED IN THE PETER MATSON SURVEY NO. 619, ABSTRACT 538, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, FOREST PARK, A SUBDIVISION OF RECORD IN VOLUME 75, PAGE 245, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), DESCRIBED IN A DEED TO GERALD DEAN POWELL, RECORDED MAY 21, 1980 IN VOLUME 7006, PAGE 1254, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND ALSO CONVEYED TO BETTINA M. POWELL, RECORDED DECEMBER 30, 2004 IN DOCUMENT NO. 2004241832, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), AND VACATING A 0.264 ACRE TRACT, RECORDED JULY 12, 2010 IN DOCUMENT NO. 2010099167, (O.P.R.T.C.TX.); SAID 0.058 ACRE (2,543 SQ. FT.) EASEMENT, AS SHOWN ON THE ATTACHED SKETCH AS PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 3/8-inch iron rod found, for an interior ell corner of said Lot 15, same being the most westerly northwest corner of a called 30.98 acre tract of land, described in a deed to Schmidt Investments, LTD., recorded in Volume 12946, Page 1939, Real Property Records of Travis County, Texas (R.P.R.T.C.TX.);

THENCE S 22°05'55" W, with the common line of said Lot 15 and said 30.98 acre tract, a distance of **13.42** feet to a calculated point (**Grid Coordinates: N= 10,057,378.05, E= 3,062,658.92**), for the northeast corner and the **POINT OF BEGINNING** of the easement described herein;

THENCE S 22°05'55" W, continuing with said common line of said Lot 15 and of said 30.98 acre tract, a distance of **15.18** feet to a 5/8-inch TxDOT iron rod aluminum cap found, for the southeast corner of the easement described herein;

THENCE N 76°46'34" W, departing said common line of said Lot 15 and of said 30.98 acre tract, over and across said Lot 15, a distance of **169.01** feet to a 5/8-inch TxDOT iron rod aluminum cap found, for the southwest corner of the easement described herein on the west line of said Lot 15, same being the east line of Lot 14 of said Forest Park Subdivision, described in a deed to Marilyn Sue Meisenheimer, recorded in Document No. 2003185790, O.P.R.T.C.TX.;

THENCE N 17°53'26" E, along the common line of said Lot 15 and Lot 14 of said Forest Park Subdivision, a distance of **15.05** feet to a calculated point, for the northeast corner of the easement described herein;

THIS SPACE LEFT INTENTIONALLY BLANK

Exhibit "A"

Gerald Dean & Bettina M. Powell
to
The City of Austin
(Water Line Easement)

THENCE S 76°46'34" E, over and across said Lot 15, a distance of **170.13** feet to the **POINT OF BEGINNING**, and containing **0.058** acre (2,543 sq. ft.) of land, more or less.

This property description is accompanied by a separate plat of even date.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, Central Zone, NAD83/2011. All distances shown are surface and may be converted to grid by dividing by a Surface Adjustment Factor of 1.000065048. Units: U.S. Survey Feet.

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY TRAVIS §

That I, Scott C. Brashear, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC
4801 Southwest Pkwy
Building Two, Suite 100
Austin, Texas 78735
TX. Firm Reg. No. 10064300

Sent C. R. 5/12/20

Scott C. Brashear
Registered Professional Land Surveyor
No. 6660 – State of Texas

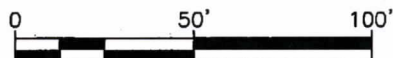


FIELD NOTES REVIEWED
BY John R. [Signature] DATE: 05/14/20
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

REFERENCES

Parcel No. 312222

"EXHIBIT A"



GRAPHIC SCALE
SCALE 1" = 50'
TRAVIS COUNTY, TEXAS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.03 WLE

TCAD PARCEL I.D NO. 312222

10' TELEPHONE LINE AND
POWER LINE EASEMENT
VOL. 75, PG. 245
P.R.T.C.TX.

MARILYN SUE MEISENHEIMER
RECORDED IN AUGUST 11, 2003
DOC. NO. 2003185790
O.P.R.T.C.TX.

LOT 14
FOREST PARK SUBDIVISION
VOL. 75, PG. 245
P.R.T.C.TX.

GERALD DEAN POWELL
RECORDED MAY 21, 1980
VOL. 7006, PG. 1254
D.R.T.C.TX.

BETTINA M. POWELL
RECORDED DECEMBER 30, 2004
DOC. NO. 2004241832
O.P.R.T.C.TX.

LOT 15 FOREST PARK SUBDIVISION
VOL. 75, PG. 245
P.R.T.C.TX.

PARCEL 5221.03 WLE
WATER LINE EASEMENT
0.058 ACRE
(2,543 SQ. FT.)

P.O.B.
GRID N: 10,057,378.05
GRID E: 3,062,658.92

P.O.C.

10' TELEPHONE LINE
EASEMENT
VOL. 75, PG. 245
P.R.T.C.TX.

10' WATER LINE EASEMENT
VOL. 75, PG. 245
P.R.T.C.TX.

10' POWER LINE EASEMENT
VOL. 75, PG. 245
P.R.T.C.TX.

10' TELEPHONE LINE EASEMENT
VOL. 75, PG. 245
P.R.T.C.TX.

SCHMIDT INVESTMENTS, LTD.
CALLED 30.98 ACRES
VOL. 12946, PG. 1939
R.P.R.T.C.TX.

STATE OF TEXAS
VOL. 1611, PG. 84
D.R.T.C.TX.

PETER MATSON
SURVEY NO. 619,
ABSTRACT NO. 538

U.S. 290
(VARIABLE WIDTH RIGHT-OF-WAY)
TXDOT CSJ NO. 0113-08-060

U.S. 290
ENGINEER'S CENTERLINE
242+00

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.03 WLE
TRACT ID: 312222
PARTY CHIEF: S. PEST
FIELDBOOKS:



4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

PAGE 3
OF 4

"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 5221.03 WLE

LEGEND

	PARCEL LIMITS
	APPROXIMATE SURVEY LINE
	EASEMENT
	3/8" IRON ROD FOUND
	5/8" TxDOT IRON ROD ALUM CAP FOUND
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
()	RECORD INFORMATION

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S22°05'55"W	15.18'
L2	N76°46'34"W	169.01'
L3	N17°53'26"E	15.05'
L4	S76°46'34"E	170.13'
L5	S22°05'55"W	13.42'

NOTE:
EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE COMPANY ON SEPTEMBER 4, 2019, EFFECTIVE AUGUST 26, 2019 GF NO. CTA-21-CTA1903089G. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR 1.000065048. PROJECT UNITS ARE IN U.S. SURVEY FEET.

THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

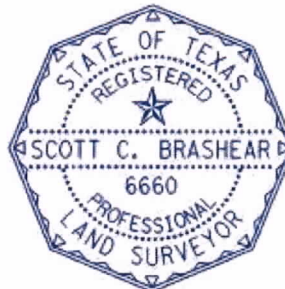
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott C. Brashear

5/12/20

SCOTT C. BRASHEAR
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6660 - STATE OF TEXAS

DATE



JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.03 WLE
TRACT ID: 312222
PARTY CHIEF: S. PEST
FIELD BOOKS:



4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS
PAGE 4
OF 4